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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,778	01/17/2002	Yoshio Itagaki	8021-1001	2672

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EXAMINER

WEST, LEWIS G

ART UNIT PAPER NUMBER

2682

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/046,778	ITAGAKI, YOSHIO	
	Examiner	Art Unit	
	Lewis G. West	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-18 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/3/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this Subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Uchida (US 6,532,264 B1).

Regarding claim 1, Uchida discloses a portable telephone system including a base station and a mobile station which communicate with each other by using one time divisional time slot including a high speed channel (Col. 11 line 51-53) and a low speed channel (Col. 11 lines 59-61), wherein a first communication requiring said high speed channel by a first calling party from said base station to said mobile station and a second communication not requiring said high speed channel by a second party from said base station to said mobile station are carried out simultaneously by using said high speed channel and said low speed channel, respectively. (Figure 2, Col. 11 line 47-col. 12 line 15)

Regarding claim 2, Uchida discloses the system as set forth in claim 1, wherein said first communication is a speech communication. (Col. 11 lines 59-61)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (US 6,532,264 B1) in view of Nounin (US 5,802,469).

Regarding claim 3, Uchida discloses the system as set forth in claim 1, but does not expressly disclose PIAFS. Nounin discloses a system wherein access is mediated between high and low speed channels using Internet and personal handyphone. (Col. 6 lines 36-66) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use personal handyphone system Internet Access Forum Standard (PIAFS) data communication in the system, as PIAFS is a widely known standard in Japan, and using a standardized protocol ensures interoperability and compatibility in various systems.

Regarding claim 5, Uchida discloses the system as set forth in claim 1, but does not expressly disclose Internet browser data communication. Nounin discloses a system wherein access is mediated between high and low speed channels using Internet. (Col. 6 lines 36-66) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use Internet Browser data communication in the system, as the internet Browser communications is a widely known standard, and using a standardized protocol ensures interoperability and compatibility in various systems.

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Regarding claim 6, Uchida discloses the system as set forth in claim 1, but does not set forth specific data rates. Nounin discloses a system wherein said high speed channel has a bandwidth of 32 kbps, and said low speed channel has a bandwidth of 1-2 kbps. (Col. 6 lines 36-66) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use 32 kbps, as it is a standard data rate for PHS, and to use 3.2 kbps, as an obvious design choice for a lower data rate that is substantially the same magnitude of difference as in the Nounin system.

Regarding claim 7, Uchida discloses the system as set forth in claim 1, but does not expressly disclose PHS. Nounin discloses a system wherein access is mediated between high and low speed channels using PHS. (Col. 6 lines 36-66) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use PHS communication in the system, as PHS communications is a widely known standard in Japan, and using a standardized protocol ensures interoperability and compatibility in various systems.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (US 6,532,264 B1) in view of Kurtz (US 6,111,870).

Regarding claim 4, Uchida discloses the system as set forth in claim 1, but does not disclose facsimile. Kurtz discloses a system operating with multiple rate communications wherein a first communication is a facsimile data communication. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use facsimile, as it is a well-known existing standard that is widely used and available.

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Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Patent No. 5,280,630) in view of Uchida (US 6,532,264 B1).

Regarding claim 8, Wang discloses a communication method for a portable telephone system including a base station and a mobile station that communicate with each other by using time divisional time slots. The method comprises determining whether a high speed channel (one of the channels on a Preferred Channel List) is empty when a new service is requested from the base station to the mobile station. It is inherent that the service request is sent on a low speed channel (a signaling channel). The method also comprises assigning the new service to the high speed channel when the high speed channel is empty. [See col. 3, lines 15-48 and col. 7, lines 27-52]. Wang does not disclose that the high speed channel and the low speed channel are included within one time divisional time slot. Uchida discloses using one time divisional time slot including both a low speed and a high speed channel. (Col. 11 line 51-53; Fig. 2) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include both a low speed and high speed channel in the same time slot in order to deal with coexisting multimedia communications requiring different capacities

Allowable Subject Matter

Claims 9-18 are allowable.

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowability of these claims were indicated in the previous office action.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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